IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.442 2004

Ashok Leyland Finance Ltd. ..Petitioner.

Vs.

M/s.Sameer Transport Corpn.
& Anr. ..Respondents.

Ms.Shakuntala Joshi, Advocate for the Petitioner.

None for the Respondents.

CORAM: S.U.KAMDAR, J.
DATED: 15TH DECEMBER, 2004

P.C. :

The present Petition is filed under section 9 of the Arbitration and Conciliation Act, 1996 seeking interim relief in respect of vehicle known as Ashok Leyland Viking 1/38 vehicle bearing Engine No.XBE 334491, Chassis No.XBE 453292 having Registration No.MH-14-V-4031. The agreement by and between the parties was for a hire purchase in respect of the said vehicle. The Petitioner financed the said amount. The Respondent is in default and, as on today, there is an outstanding claim of Rs.3,10,423.

2. The Petitioner has served on the Respondent. An affidavit of service dated 3011.2004 is filed. None

however appears for the Respondent.

3. In the aforesaid circumstances, the Petition is made absolute in terms of prayer clause (a). The Respondent to be appointed as an agent of the Court Receiver on such terms and conditions as the Court Receiver may deem fit and proper.

4. Till the Court Receiver takes possession, there shall also be an interim order in terms of prayer clause (c) except the words "dealing with" bracketed in red ink.

5. The Petition is accordingly disposed of. There shall be no order as to costs.